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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,853	06/29/2001	Manfred Weuthen	C 2213 US	9048

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COGNIS CORPORATION  
PATENT DEPARTMENT  
300 BROOKSIDE AVENUE  
AMBLER, PA 19002

EXAMINER
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MRUK, BRIAN P

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/896,853

Applicant(s)

WEUTHEN ET AL.

Examiner

Brian P. Mruk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on April 28, 2005 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The phrase "typical auxiliaries and additives" recited in instant claim 11 renders the claim vague and indefinite, since it is unclear what auxiliaries and additives are encompassed by the term "typically". The examiner suggests that the term "typically"

should be removed from instant claim 11. Appropriate correction and/or clarification is required.

5. Instant claims 12-22 are rejected under 35 U.S.C. 112, second paragraph, for being dependent upon claim 11.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 11-18 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Pruehs et al, U.S. Patent No. 4,898,621.

Pruehs et al, U.S. Patent No. 4,898,621, discloses a hydroxyalkyl polyethylene glycol ether corresponding to the general formula I, per the requirements of instant claims 11-12 and 17-18 (see col. 2, lines 14-27). It is further taught by Pruehs et al that the hydroxyalkyl polyethylene glycol ether corresponding to the general formula I can be combined with a small quantity of other nonionic surfactants, per the requirements of instant claims 11-18 and 21-22 (see col. 5, lines 1-19). Specifically, note Table 1, Example III, which discloses a hydroxyalkyl polyethylene glycol ether, wherein R<sup>1</sup> is n-tetradecyl, R<sup>2</sup> is n-butyl, R<sup>3</sup> is hydrogen, and n is 9, per the requirements of the instant

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claims. Furthermore, see Example XIV, which discloses a detergent composition made by adding 15% of the compound of Example III with 10% by weight of a C<sub>12-14</sub> fatty alcohol with 5 moles of ethylene oxide and 4 moles of propylene oxide, 4% by weight of sodium cumene sulfonate, 10% by weight of citric acid, 5% by weight of SOKALAN DCS and 56% by weight of water, per the requirements of instant claims 11-18 and 21-22. Therefore, instant claims 11-18 and 21-22 are anticipated by Pruehs et al, U.S. Patent No. 4,898,621.

8. Claims 11-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmid et al, DE 19738866.

Schmid et al, DE 19738866, discloses a detergent composition made by adding 0.5-20% by weight of a hydroxy mixed ether of Formula (I) to a detergent composition comprising 0.5-20% by weight of nonionic surfactants, 0-40% by weight of a solvent, 0.1-50% by weight of a carboxylic acid, 1-20% by weight of an alkylbenzenesulfonic acid, and water to balance (see abstract and page 2, line 51-page 3, line 26), per the requirements of the instant invention. It is further taught by Schmid et al that the variable R<sup>2</sup> includes a hydrogen atom, that the variable X includes zero, and that the variable Z includes one (see Formula (I) on page 2, lines 54-63 of Schmid et al, DE 19738866), per the requirements of instant claims 12 and 18. Schmid et al further teaches that the detergent composition is used in a process for cleaning laundry (see attached abstract), per the requirements of instant claim 23. Specifically, note the

Examples in Tables 1-3. Therefore, instant claims 11-23 are anticipated by Schmid et al, DE 19738866.

### ***Response to Arguments***

9. Applicant's arguments filed April 28, 2005 have been fully considered but they are not persuasive.

Applicant argues that Pruehs et al, U.S. Patent No. 4,898,621, and Schmid et al, DE 19738866, do not disclose a method for improving the cleaning performance of a liquid laundry detergent composition, as required in the instant claims. However, the examiner respectfully disagrees. Specifically, the examiner asserts that the phrase "improving the cleaning performance of an aqueous, liquid, laundry detergent composition occurs in the preamble, and thus, is not accorded any patentable weight, since it does not breathe life and meaning into the claim. See ***MPEP 2111.02***. Furthermore, the examiner asserts that Pruehs et al clearly teaches that the hydroxy mixed ether is added to a detergent composition, and that Schmid et al disclose with sufficient specificity that the composition is used as a laundry detergent, as required in the instant claims.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

*Bm*

Brian Mruk  
May 14, 2005

*Brian P. Mruk*

Brian P. Mruk  
Primary Examiner  
Tech Center 1700